REMARKS/ARGUMENTS

Claims 1-26 are pending in the application. Reconsideration is hereby respectfully requested in view of the above amendments and the following remarks.

The Examiner has indicated that the recitation of "for" or "capable" in the preamble and body of the claims indicates an intended use, and, as such, does not carry patentable weight. While Applicant understands that "for" may be used in the claims such as, for example, with means plus function language supported by 35 U.S.C. section 112, Applicant has reviewed the claims in accordance with the Examiner's comments in the Office Action on page 2, paragraph 2, and has amended the first line of each of the claims 1, 16 and 17, the independent method in order to more clearly articulate the claims. Applicant believes that the recitation of "for" in line 1 of claim 18 is appropriate, and has not amended that reference. However, if the Examiner believes that language should be amended, Applicant will consider it. Applicant believes the claims to now address the point raised by the Examiner.

Claims 18-25 stand rejected under 35 U.S.C 101 as being directed to non-statutory subject matter. This rejection is respectfully but strenuously traversed and reconsideration and withdrawal of rejection is hereby respectfully requested.

The Examiner has indicated that though claims 18-23 recite an apparatus, it may be reasonable to interpret the system as software, *per se*. Applicant has amended claim 18, the independent claim from which claims 19-23 depend, in order to more particularly recite the server and associated elements recited in the claim. Applicant recites that <u>said program to be demonstrated is provided on the server</u>. Claim 18 also recites the server executes the received code with the program. Claim 18 is now believed to overcome the

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section 101 rejection in view of the above amendments. The amendments are fully supported by the specification, see, e.g., Fig. 1 and paragraph [0012] discussing and illustrating a server 10, and throughout the specification, and, for example, in paragraphs [0017] and [0018], where Applicant discusses the server. In paragraph [0021], Applicant refers to operating systems on which the server may run. Furthermore, one of ordinary skill in the art reading the Applicant's disclosure would understand the elements recited in claim 18, originally, and as now amended. Accordingly, reconsideration and withdrawal of the 101 rejection with respect to claim 18 and the claims depending therefrom (19-23) is hereby respectfully requested.

Claims 24-25 stand rejected under 35 U.S.C. 101 The Examiner contends that these claims recite an article of manufacture which is directed to software and therefore lacks storage on a medium which enables underline function to occur. Claim 24 has been amended to more particularly articulate the features of the article of the Applicant's invention. Claim 24 now recites that the article comprises at least one server configured with a web site. In view of the above amendments, and for the above reasons, claim 24 and claim 25, which depends therefrom, now overcome the rejection. Reconsideration and a withdrawal of the section 101 rejection is hereby respectfully requested.

Claims 1- 8, 11, 13-15, 16-19, and 21-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 6,266,774 B1 ("Sampath et al.") This rejection is respectfully but strenuously traversed and reconsideration and withdrawal of the rejection are hereby respectfully requested.

Applicant's invention is distinguishable over Sampath et al. and is not obvious, nor is it anticipated, in view of the Sampath et al. disclosure.

Applicant's invention is directed to a novel apparatus, method and article of manufacture which enables software demonstration to take place through a server on a network using a program or programs that may be demonstrated to a user. In accordance with the Applicant's invention, as recited in the Applicant's disclosure, as well as in the pending claims, the user uploads code that the program will execute. As Applicant describes in the specification, at paragraph [0093] of the published application, an important feature is that the invention includes receiving code from the user that will be executed by the program. The server is recited to comprise a program to be demonstrated (see claims 1, 16 and 17). In other words, the program to be demonstrated may be demonstrated using the user code (that is the data supplied by the user) **without** implicating the user system. The server may be utilized to carry out the demonstration using the received code. Claim 1 recites executing the received user code with the server Applicant further describes, in the specification at paragraph [0026], features where the user code is transmitted to have a server carry out the demonstration using the user code. As embodiments may be provided to demonstrate various types off software, embodiments may provide, to a server or servers containing the program or programs to be demonstrated, any type of user provided code. For example, a user may provide code specific to the demonstration and so may provide other types of code instead of, or in addition to, email.

For example, user provided code may be transmitted in order to have a server demonstration of instant messaging code, peer-to-peer code, validity checker(s), syntax checker(s), etc. (See specification [0026].)

The present invention comprises apparatus, methods and articles of manufacture for software demonstration. Methods comprise providing an identified user with access, via a network, to a server comprising a program to be demonstrated; receiving code from the user that will be executed by the program; executing the code within the program to be demonstrated; and, providing any results of the execution. Thus the user and others can review the performance of the software to be demonstrated on data supplied by the user, without implicating the user's system. Moreover, embodiments are made available over the Internet. Apparatus and articles of manufacture are also disclosed.

Therefore, in accordance with the Applicant's present invention, the user is identified and provided access, such as via a network, to the server which includes the program to be demonstrated. The server receives the code from the user that would be executed by the program, and the code is executed within the program to be demonstrated and that is done by the server. The results of the execution therefore, though done by the server with the received code from the user are thereafter made available to the user, as well as others that are able to review the results. For example, according to the Applicant's present invention, a program may return the results so that the server may display the results as a web page. The web page of displayed results may be accessible by a web browser which the user may utilize to retrieve the demonstration results. (See paragraph [0017] and paragraph [0018].) For example, an anti-virus program may be run by using the user code however the program itself may be run on the server with that user code and the results of the scan on the user-provided code may be displayed in a web page using the reporting capabilities of the particular program.

Applicant's invention is not taught, suggested or disclosed by Sampath et al. The Examiner, on page 4 of the Office Action, states that the step of executing said program to be demonstrated using said code is disclosed by the reference, at col.7, line 65

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of Sampath et al. There, Sampath et al. states "the server computer 100 automatically executes on the user computer 104." However, the reading of Sampath et al. and this very statement is not doing what Applicant's claimed invention seeks to do, but rather, is actually executing the program on the user computer 104 and not with the server using the uploaded code from the user computer. In fact, Sampath et al. appears to teach away from the Applicant's invention in that Sampath states that "the server computer 100 then proceeds to download new executable software *to the user computer 105* via the Internet 102 connection (step 414), or to execute previously downloaded software (step 416)." Sampath further makes it clear that the server computer "downloaded" an application engine which is to be run by the user computer, and not the server computer: "the server computer 100 downloads an application engine by wrapping it in a COM-AX wrapper and storing the entire package in a browser cache area of the client computer 104" (col. 7 lines 34-43). In fact, Sampath et al., at col. 8, lines 5-10, again refers to execution on the user computer, "[a]fter the application is executed on the user computer 104, ..." Sampath et al. even in the comments section of its disclosure, appears to be disclosing something other than what is disclosed and claimed by Applicant. For example, Sampath et al. clearly states that "a server computer is programmed to download an application to a user computer's network and (sic) to execute the application on the user computer. (Col. 4, lines 7-10) "Finally, the server computer causes the software to be executed on the user computer." (Col. 4, lines 25-27) Therefore, the disclosure of Sampath et al. does not teach, suggest or disclose the Applicant's invention, as recited in the claims.

Applicant's invention recites and claims a method, apparatus, and article which features utilization of the user data code, so that the program to be run may utilize

code that is pertinent to the user, however, running that code for demonstration, for example, by the server, without implicating the user's system. Applicant's invention facilitates implementation of software on the user's own data without implicating the user's system. Although, as Applicant pointed out above claims 1, 16 and 17, each calls for a server comprising a program to be demonstrated, Applicant has amended the claims to more particularly distinguish the Applicant's present invention. Claims 1, 16 and 17 have been amended to recite that the Applicant's method for software demonstration, which executes said program to be demonstrated using said code received from said identified user, is executing *on said server* the program and providing any results from said server's execution, wherein said program to be demonstrated is demonstrated by said server using said code received from said identified user.

In addition, Applicant's invention permits a user that has supplied the code (the said identified user), as well as others, to review results of said execution, that is, the performance of the software to be demonstrated on the data supplied by the said identified user. This may be done by making a web page available to a user, and further, may be provided by the server. Claim 13 recites this feature by stating that providing any results of said execution further comprises providing any results of said execution via a web page. Applicant has added new claim 26 to further particularize the feature of claim 13, wherein the user, and others, can review the performance of the software to be demonstrated on data supplied by the user, without implicating the user's system. Claim 26 is fully supported by the specification [0009] and no new matter has been introduced. Claim 26 recites the method of claim 13 wherein said web page is accessible to one or

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more of said user and others. Claim 26 and claim 13 also, as in claim 1, recite the feature of the user data executed on the server.

Furthermore, claim 16 recites at least two programs to be demonstrated using the code received from said user, but executing that code on the server. The Sampath et al. reference also fails to suggest or disclose the invention recited in claim 16.

Claim 17 is also distinguishable over Sampath et al. for the above reasons, and for all additional reasons. It would not have been obvious for one of ordinary skill in the art to derive the invention of Applicant's claim 17 where email is received from a user and used by a server for demonstration where a program to be demonstrated is executed on the server and the received email is used so demonstration of the program may be carried out on the server using the user code of the email, and results viewed via a web page, without implicating the user machine when the program to be demonstrated is executed. Sampath et al. would not be understood to lead one of ordinary skill in the art to consider receiving email from said identified user as Applicant claims, since Sampath et al. desires to execute a program on the user's system.

For the above reasons, Applicant's invention is not taught, suggested or disclosed by Sampath and should be patentable. Reconsideration and a withdrawal of the rejection with respect to claims 1-8, 11, 13, 15, 16-19, 21-25 is respectfully requested.

Claims 9, 10, 12, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sampath. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal is hereby respectfully requested.

First, for the same reasons as those set forth above in support of the patentability of Applicant's invention over Sampath in response to the section 102 (b)

rejection, Applicant's invention, as recited in claims 9, 10, 12 and 20, is not obvious.

Second, even considering the 103 rejection, there are additional reasons why Sampath

also would not render the inventions of Applicant's claims 9, 10, 12 and 20 obvious. The

Examiner contends that it would have been obvious for one of ordinary skill in the art to

recognize that a user can email the server to request a program download/execution.

However, as Applicant pointed out above, it is the uploading of the user data which is

utilized by the server in the Applicant's method and system, and not in accordance with

Sampath's execution at the user's machine directed by the server.

As to Applicant's claim 10, Sampath et al. would not be understood to lead

one of ordinary skill in the art to consider receiving email from said identified user

comprising a predetermined amount of email, since Sampath et al. desires to execute a

program on the user's system.

For the above reasons, the section 103(a) rejection with respect to Sampath
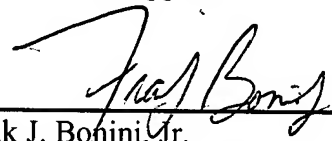
et al. also should be withdrawn.

Conclusion

Applicant's invention is not taught, suggested or disclosed by the cited reference, as set forth above, and, in view of the amended claims, Applicant's invention is more particularly distinguished over Sampath and should be patentable.

If further matters remain in connection with any of the rejections addressed herein, the Examiner is invited to telephone the Applicant's undersigned representative to discuss them.

If an extension of time is required, the Commissioner is requested to consider this a request for a petition for the appropriate extension of time.

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